City of Missoula Itinerant Vendor Application 2020

Please complete and return to:

City of Missoula Development Services
Business Licensing

435 Ryman St. Missoula, MT 59802
(406) 552-6121 ph. (406) 327-2182 fax

License Type:

___Full Year $129.00

___90 Days $108.00

___Week $86.00

FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Business Name: _____ Date: _____

Owner Name: _____

Home Address: _____
(Street) (City) (State) (Zip)

Mailing Address: _____
(Street) (City) (State) (Zip)

Provide at least 1 current phone numbers and an emergency number:

Business _____ Cell Phone _____ Emergency _____ Fax _____

Email Address: _____

Goods for Sale/Nature of Business _____

Start Date _____

I declare, under penalties of perjury, that the information contained in this application is, to the best of my knowledge, true and correct. In addition, I understand and will adhere to the City of Missoula Ordinance No. 5.56 as summarized on the handout that I received with this application.

Signature: _____

City Official	Date / Signature of City Official:	Department Contact Information
☐ Zoning (Development Services) 435 Ryman St 1st floor All Applicants		(406) 552-6625 phone or Email to cityzoner@ci.missoula.mt.us
☐ Fire Inspector: If Serving chilled or heated food		**CALL FIRST:** (406) 552-6210 to make an appointment
☐ Health Inspector: 301 W Alder Street If serving food		(406) 258-4755 phone or Email ajohnson@co.missoula.mt.us
☐ Parking Commission: 128 W Main Street All Applicants in the CBD		(406) 552-6250 phone or Email tbrander@ci.missoula.mt.us
☐ Engineering (Development Services) 435 Ryman St 1st floor All Applicants		(406) 552-6636 phone or Email engpermitdesk@ci.missoula.mt.us
☐ Parks & Recreation 600 Cregg Lane Setting up in Missoula Parks		(406) 552-6260 or Email skinsey@ci.missoula.mt.us
☐ Police Department/Inspector 435 Ryman St 1st floor All Applicants		PICK UP APP FROM DEVELOPMENT SERVICES AND DROP OFF AT DEVELOPMENT SERVICES

IF YOU PLAN TO POST SIGNS ADVERTISING YOUR BUSINESS, PLEASE CONTACT OUR ZONING DEPARTMENT TO DISCUSS SIGN PERMITS.

Street Vendor hand-out received_____
Initials

MISSOULA CITY BUSINESS LICENSE
BACKGROUND CHECK TO ACCOMPANY APPLICATION

(INDIVIDUAL APPLICANT $51.00)

Date_____, 20_____

BUSINESS NAME:_____

I. Applicant's Information

Applicant's Full Name_____

**Other Names: _____

Home Address_____

Birth-date_____ Social Security No._____

(NOTE: This application must accompany written proof that applicant is at least 18 years of age.)

Applicant's residential addresses and telephone numbers for the past three (3) years (starting with one preceding present address)

Residential Address	Month/Year	Home Telephone No.
_____	FROM_____ TO_____	_____
_____	FROM_____ TO_____	_____
_____	FROM_____ TO_____	_____

Applicant's business occupation or employment for the three (3) years immediately preceding the date of the application (starting with latest one first.)

Business occupation or employment	Month/Year	Address & Phone No.
_____	FROM_____ TO_____	_____
_____	FROM_____ TO_____	_____
_____	FROM_____ TO_____	_____

Applicant's previous experience in this business or a similar business (state in brief the nature of experience, where such experience was acquired and professional qualifications, if any.)

_____

_____

Has any business license to the applicant been denied, revoked or suspended in the City of Missoula or any other State or City? **YES____ NO____**

If **YES**, give details and state business activity or occupation denied, revoked or suspended:

_____

_____

_____

Please state if you have been convicted of or entered a guilty or Alford plea to **any felony.**
(Please note: This check goes beyond 7 years. If it is in your history at all, it will show up)

YES____ NO____
Please state if you have been convicted of or entered a guilty or Alford plea to **any misdemeanor** offense or any city ordinance violation (except minor traffic violations).

YES___ NO____

If **YES** to either, give details:_____

_____

_____

Please state if you been held liable in a civil proceeding or are now a party in a civil proceeding involving fraud, deceptive practices or false/misleading advertising?
YES___ NO____

If **YES**, give details:_____

_____

_____

II. Business Information

A. Business name:_____

B. Business address (must have street location, room number, and zip code):_____

C. Business telephone number:_____

D. Is business - wholesale___; retail___; manufacturer_____; service___?

E. Describe fully the product or service provided _____

_____

_____

_____

_____

_____

_____

_____

F. State/Federal license number and type (if required)_____

III. GENERAL INFORMATION

A. Is this license for: new business___; change of ownership___;
location change___?

B. When did you start the business in Missoula?_____

C. Estimate the number of employees you will have working in Missoula:

I declare under penalty of perjury that the statements made herein are true and correct to the best of my knowledge and belief.

SIGNED:_____ **DATE:**_____

TITLE:

P.O. Box _____ **Street Address:**_____

City, State & Zip_____

Itinerant and Mobile Sales in the City of Missoula

City of Missoula: Development Services 435 Ryman St, Missoula, MT 59802 406-552-6121
Missoula County Health Department 301 W Alder St, Missoula, MT 59802 406-258-4755

If you are considering itinerant vendor sales in the City of Missoula, it is important to understand which City, County, State and Federal regulations may apply. Factors that will determine what Codes may apply and whether permits will be required include the location of vending, the type of vehicle or structure you vend out of, and the utility services used by the vending cart. This information sheet is meant to help guide you through what may apply to your specific vending operation.

LICENSING:

All itinerant vendors operating in the City of Missoula require an Itinerant Vendor Business License through Development Services.

License Type	Time Limit	Fees
Itinerant Vendor: Annual	Expires May 31st, every year	$129.00
Itinerant Vendor: Temporary	Good for 90 days after issuance.	$108.00
Itinerant Vendor: Temporary	Good for one week after issuance.	$86.00
Background Check (Required for ALL Itinerant Vendors): $51.00		

LOCATION REQUIREMENTS:

Use this chart to determine where itinerant vending is allowed and what restrictions may apply:

Location of Vending Operation	**Requirement**
Vending in the Central Business District on the sidewalk.	Vending is permitted until 9:00 PM.
Vending in the Central Business District in the street.	Vending is permitted until 9:00 PM. Vendors using street parking spaces are required to obtain permission from the Parking Commission. Vendors must adhere to Engineering Location Requirements.
Vending in the Central Business District in a private parking lot.	Vending is permitted at all hours. Vendors must have permission from property owner. Vendors must adhere to Engineering Location Requirements.
Vending in the street or sidewalk anywhere outside of the Central Business District.	Vending is not permitted.
Vending in a private parking lot anywhere outside of the Central Business District.	Vending may be permitted in any property located in a non-residential zoning district. Permits may be required. Vendors must adhere to Engineering and Zoning
Vending in a City Park.	Vendors need to meet the MT State Statute of $750,000/ claim and $1.5 million/occurrence and name the City as an Additionally Insured party.

Additional information on back.

Itinerant and Mobile Sales in the City of Missoula

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PERMITTING AND OTHER REQUIREMENTS:

Use this chart to determine what other requirements may apply beyond receiving your Itinerant Vendor License.

What is involved with your proposed vending operation?	Requirements
Food Sales	Requires approval and licensure by Missoula County Health Department with few exceptions.
Fixed Vending Carts	Requires meeting Zoning, Building, and Engineering codes. Permitting Required.
Drive-through vending carts (mobile and fixed)	Requires meeting zoning and engineering requirements. Permitting required.
Electrical work	Electrical permits required.
Water service and sanitary sewer installed	Commercial plumbing permits and inspection required.
Propane Use	Requires approval from Fire Department.
Signs	Requires sign permits.
Sales in any City Parks (including Fort Missoula Park)	Requires approval and Concession Permit from City Parks and Recreation Department.

Food and Beverage Service

A license is required to serve foods and beverages with the exception of commercially pre-packaged, self-stable items. There are several license types available depending on one's method of service.

Mobile Food Truck or Trailer:

A mobile food truck or trailer is a fully-enclosed, self-contained unit. These mobiles may be designed so that they are self-sufficient and can operate independently, or they may be minimally designed and dependent on a commissary. Requirements for a mobile truck vary depending on the intended menu and the amount of preparation done on the unit. All mobiles, regardless of commissary usage, must have a hand sink with hot and cold running water, mounted fresh water and wastewater tanks, and equipment designed to adequately hold foods at required temperatures. In addition, they must have a servicing area where they can obtain water from a public water supply and properly dispose of wastewater.

Solid Fuel Cookers/Smokers:

Solid fuel used for cooking or smoking may be allowed depending on how the food is being prepared or served. Air Quality regulations may apply.

Pushcart Mobiles:

Pushcart mobiles are small, self-contained units that serve a limited menu (e.g. hot dogs). At minimum, pushcarts must have a hand sink with hot and cold running water and equipment designed to heat and/or hold food at required temperatures. A commissary kitchen is required for food preparation, storage, and dishwashing, as well as for obtaining water and disposing of wastewater.

Temporary Food Service (TFS):

TFS vendors serve limited menus at events. These vendors prepare foods in a commissary and then set-up under a tent or awning using minimal support for temperature control and hand washing. TFS licenses are good for 14 consecutive or 21 non-consecutive days at one event.

Large Group Permits:

If you plan to hold an event that may have 1,000 or more attendees, you need to contact the health department for a large group permit. This permit reviews safety and sanitation resources to ensure a healthy and safe event.

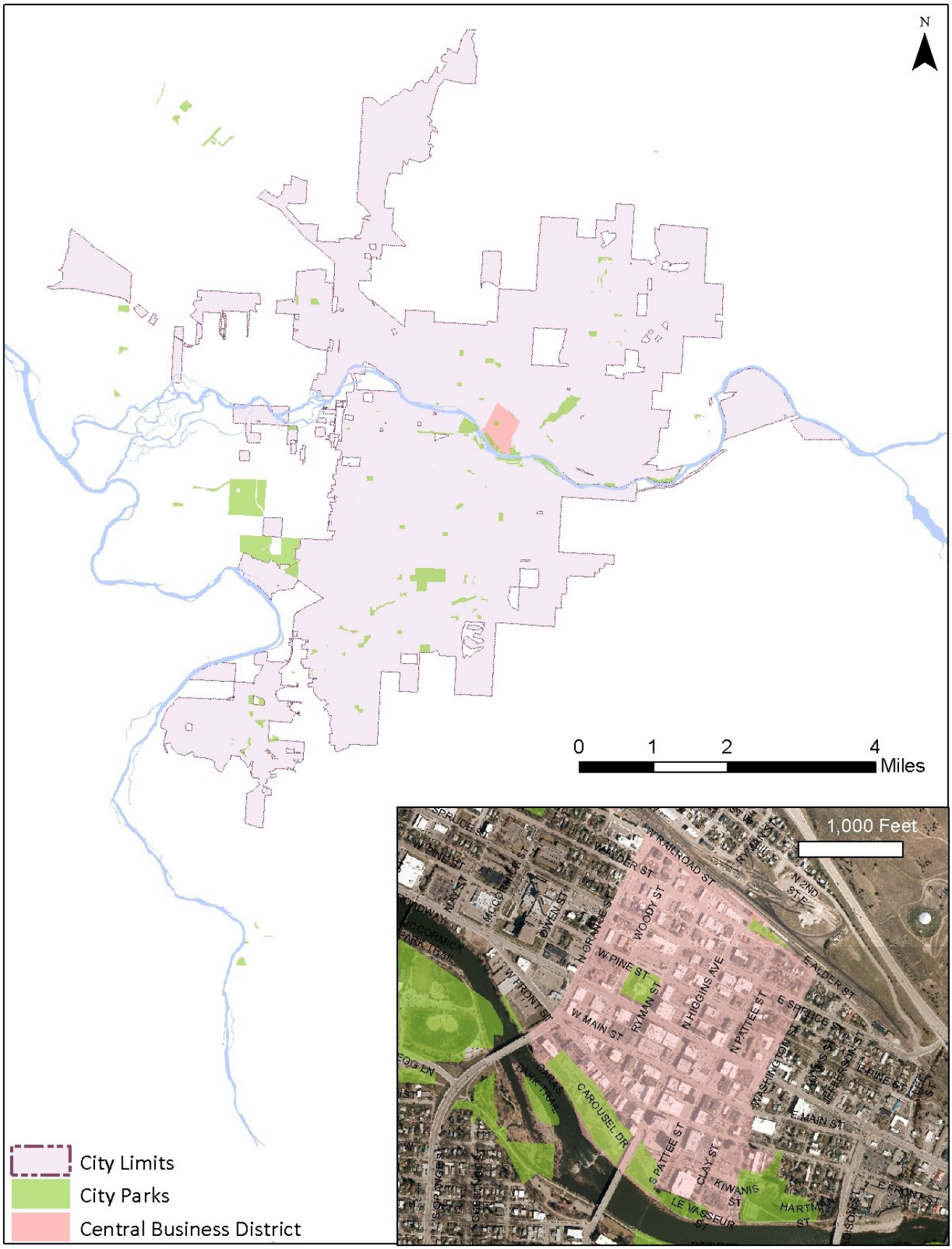
For more information, or to start the license application process, contact the Missoula City-County Health Department at 406-258-4755 or evhealth@co.missoula.mt.us.

Missoula Public Health
City-County Health Department

Itinerant and Mobile Sales in the City of Missoula

WHERE IN THE CITY OF MISSOULA IS ITINERANT VENDING PERMITTED:

Use this map to determine where itinerant vending is permitted and what requirements apply:



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Chapter 5.56

STREET VENDORS

Sections:

5.56.010 Defined.
5.56.020 License requirement.
5.56.030 Permit requirement.
5.56.035 Parking.
5.56.040 Compliance with health and safety regulations.
5.56.050 Location of street vending operations.
5.56.060 Vending facilities.
5.56.070 Grievance procedure.

5.56.010 Defined.
A. "Transient Vendor" is any person engaged or employed in the business of selling to consumers whether or not for profit by going from consumer to consumer, either on the streets or to their places of residence or employment and soliciting, selling or taking orders for future delivery of any goods, wares or merchandise, which includes any or every person, firm or corporation**,** acting for himself or itself or representing any other person, firm or corporation, who or which brings onto temporary premises within the city a stock of goods, wares, or merchandise, notions or other articles of trade, other than farm, orchard, vineyard or garden products, and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares or merchandise, notions or other articles of trade at retail. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the City limits. This all-inclusive definition applies to vendors coming into the City of Missoula to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits. Nothing contained in this subsection shall apply to duly constituted city markets when and if operated by authority of the city.

"Transient Merchant" means any person, firm or corporation acting for himself or representing any other person, firm or corporation who or which brings into temporary premises into the city any goods, ware, merchandise, notions or other articles of trade, other than farm, orchard, vineyard or garden products and who or which solicits, sells or offers to sell or exhibits for sale such stock of goods, wares, merchandise, notions or other articles of trade at wholesale A transient merchant can operate out of temporary premises for a period of ninety (90) calendar days in any 12 month period.

B. Persons operating small motor vehicles primarily in residential neighborhoods which are constantly in movement except when stopped to make sales shall not be considered street vendors for purposes of this chapter. (Ord. 3342 §3, 2007; Ord. 2206 §1, 19.81: Ord. 2161 §1, 1980).

5.56.020 License requirement.
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A. Except as provided in subsection C of this section, each individual engaging in transient vendor type business within the City must first obtain a transient vendor/merchant license must be obtained prior to soliciting any customer or offering any goods or products for sale. The cost shall be determined in accordance with Chapter 5.08.

The short-term license shall be good for one week from the date of issuance. The long term license is good from the issue date through May 31 of the same licensing year.

B. Except as provided in subsection C of this section, each individual engaging in transient merchant type business within the City must first obtain a transient merchant license must be obtained prior to soliciting any customer or offering any goods or products for sale. The cost shall be determined in accordance with Chapter 5.08.

The license is only valid for a period of ninety (90) calendar days in any twelve month period.

C. Any street vendor who is already licensed under Chapter 5.08 to conduct business in the city at a permanent location shall not be required to obtain a separate business license for the street vending operation.

D. A nonpermanent street vendor stand may be used by a licensed business with no additional license requirement if the stand is adjacent to the building in which the existing licensed business is located. Such street vendor must conform in all respects with the remainder of the street vendor ordinance. (Ord. 3342§4, 2007; Ord. 2813 §1, 1992: Ord. 2206 § 1, 1981: Ord. 2161 §2, 1980).

5.56.030 Permit requirement. Street vendors selling food or drink shall be required to obtain any permit or approval from the city-county health department which that department deems necessary.

Street vendors setting up in City of Missoula municipal parks shall be required to obtain any permit or approval from the City of Missoula Parks Department which that department deems necessary. (Ord. 3342 §5, 2007; Ord. 2813 §2, 1992: Ord. 2290 §1, 1982: Ord. 2206 §3, 1981: Ord. 2161 §3, 1980).

5.56.035 Parking. Street vendors setting up in the Central Business District will be allowed to park on the street utilizing the parking meters for a maximum of thirty (30) minutes for set up and removal of display and goods. The Street Vendor will be required to utilize an off street parking facility after the thirty minutes (30) for set up and removal. The Parking Commission will have the right to ticket or remove the vehicle in violation of this requirement as deemed necessary pursuant to written policies and procedures adopted by the Missoula Parking Commission. (Ord. 3342 §6, 2007)

5.56.040 Compliance with health and safety regulations. All business license applicants shall comply with health and safety regulations enacted by the city, county, and the state. The operation of any street vendor shall be subject to immediate shutdown by the health department in the event of a violation of such regulations, and the health department shall be empowered to suspend any of its permits already issued until the violation is corrected. (Ord. 2813 §3, 1992: Ord. 2206 §5, 1981: Ord. 2161 §5, 1980).

5.56.050 Location of street vending operations.

A. Street vending operations conducted on public rights-of-way shall be subject to the following rules:

1. Street vending in the public right-of-way shall be permitted only in areas zoned "CBD" Central Business District and only at locations where the street vendor does not obstruct visibility of motorists at street, alley or driveway intersections;

2. When street vending facilities are located in parking spaces next to sidewalks, patrons shall be served only upon the sidewalk, vending out of parking spaces is not permitted in the CBD (Central Business District) unless permit is granted by the Parking Commission pursuant to their written policies and procedures to allow vending out of parking space in the CBD;

3. Unless an exemption is granted by the parking commission director pursuant to subdivision 7 of this section, street vending operations shall not be located within fifteen feet (15') of any fire hydrant, shall not block ingress or egress into any building and shall be conducted only upon sidewalks and shall not be situated in such manner as to leave less than six feet of clear area on the sidewalk, measured perpendicularly from edge of curb and/or any other obstruction thereof, free for the passage of pedestrians;

4. Except in the case of street vending operations conducted by businesses adjacent thereto, no street vendor shall locate any apparatus closer than ten feet to a door or in front of a window display of any structure, without permission of property owner (5.56.050 section C); a window display is considered any display of goods by a retail business;

5. No street vending operations shall be conducted within fifteen feet of a fire hydrant;

6. A five-pound ABC Fire Extinguisher is required if a heating or cooking appliance is used by the street vendor;

7. The director of the parking commission shall have power to grant exemptions to street vendors from ordinances and rules governing overtime parking. Exemptions shall be issued only to the business license applicant, shall be limited to two parking spaces, and shall be nontransferable. Exemptions shall be effective only between eight a.m. and nine p.m. and shall be effective only for the duration of the permit. Any exemptions granted by the parking commission shall be noted on a certificate of exemptions issued pursuant to written policies and procedures adopted by the Parking Commission; The Parking Commission will have the right to ticket or remove the vehicle in violation of this requirement as deemed necessary by the Parking Commission.

8. Street vending facilities shall be removed from the public right-of-way when not in use and must be removed no later than nine p.m. each day.

9. During the hours of operation of any city approved farmers market or street market operation, no street vending operations on public property or public right-of-way may conduct business along or between blocks of Railroad Street (100W to 200E), Alder Street (100 W), Spruce Street (100E), Pine Street (100W to 200E), Higgins Ave (300N to 500N) and Pattee Street (300N to 500N) and as specified in the resolution creating the farmers or street market unless operating as part of a city approved street market operation. Further, participating members of the street market must keep their vending operations within the city council approved boundaries of the street market during the operating hours of the street market. Except that this provision is not intended to affect any licensed business selling from a stand adjacent to their licensed business location.

B. Street vending operations conducted on parking lots shall be subject to the following rules:

1. Street vending shall be permitted only in commercial and industrial zones; provided, that persons conducting rummage sales and garage sales shall not be considered street vendors for purposes of this chapter;

2. Parking lots upon which street vending operations are conducted must be in compliance with the terms of Ordinance No. 1894, or its successor, with respect to the business or concern served by such lots. No street vendor shall conduct a street vending operation on any parking lot which does not comply;

   Street vending facilities shall be located at least fifteen feet away from any traffic or fire lane in a parking lot. Street vending operations shall be situated so as to minimize pedestrian traffic across any such lanes.

C. Location of Street Vending and Adjacent Property Owner Requirements; The adjacent owner or tenant may require the removal of a Street Vendors operation based on any one of the following criteria:

1. The Street Vendor directly competes with any goods, products or foods that the adjacent merchant may have for sale.

2. If window shopping availability is important to the adjacent merchant or retailer, denial of a location may be based on the fact that the Street Vendor operation potentially impairs or impedes the ability of the public to window shop at the location.

3. The adjacent merchant or retailer desires to utilize the public sidewalk area for their own business related purposes, such as for their own sales displays.

4. Any denial may not be based on anything that constitutes a prohibited discriminatory practice pursuant to Montana state law, such as race, creed, religion, color, national origin, age, physical or mental disability, marital status or sex.

5. The Street Vendor will be given one (1) hour to move their operation from the adjacent property per the adjacent property owners' request if the Street Vendor meets the criteria of Section 5.56.050 Subsection C 1-4. (Ord. 3342 §8, 2007; Ord. 3239, 2003; Ord. 2813 §6, 1992; Ord. 2206 §4, 1981; Ord. 2161 §4, 1980).

5.56.060 Vending facilities.

A. Facilities and equipment used by street vendors shall be constructed and used in a safe manner.

B. All facilities and equipment used by street vendors shall be portable. This requirement shall be deemed met if set-up time does not exceed thirty (30) minutes.

C. Size Restriction: Street vendor is limited to seventy five (75) square feet of vending area which includes display of goods, storage of goods and any and all equipment, which includes tables; the street vendor is limited to a maximum of two (2) tables measuring a maximum of thirty (30) square feet of table space for the display of their goods.

D. Signs on self-contained vending units shall be attached to the surface of the unit. Sidewalk signs, as defined by Section 15.64.030 MMC, (Codifier's note: Correct reference should read: 19.90.030 (42)) are not permitted.

E. Street vendors shall keep the area of operation free of debris and shall clean the area thoroughly upon ceasing operations. Street vendors dispensing drink or food items shall provide at least one trash container for use by patrons. (Ord. 3342, 2007; Ord. 2813 §5, 1992; Ord. 2206 §7, 1981; Ord. 2161 §7, 1980)

5.56.070 Grievance procedure. Any person may file a complaint application with the city attorney about any street vendor. The city attorney's office shall review the evidence supplied by the complainant and any other evidence available to determine whether there exists probable cause to believe that the vendor in question has violated any provision of this chapter or any other ordinance or law. At the same time the city attorney's office shall refer the complaint to the Business Licensing Appeal Committee (5.08.130 E). The Business Licensing Appeal Committee shall notify the vendor in writing of the complaint, the nature thereof and the time and place for a hearing thereon. The hearing shall he held after the vendor has received notice of the complaint and has been given a reasonable time to appear and defend. If at the hearing it shall affirmatively appear that the vendor or his business operation in any manner interferes with the use of public or private property by virtue of the vendor's location, size, or method of doing business, the Business Licensing Appeal Committee may impose such conditions or sanctions upon the vendor's existing business license as he deems to be in the public interest, including but not limited to:

A. Ordering the vendor to change locations or to move from place to place more frequently;
B. Temporarily suspend the vendor's business license until the problem is satisfactorily corrected;
C. Attach other reasonable conditions to the vendor's business license.

If the Business Licensing appeal committee feels that matters brought forth by the complaint warrant revocation of the vendor's business license, he shall refer the matter to an appropriate committee of the city council. (Ord. 3342, 2007; Ord. 2813 §6, 1992; Ord. 2206 §4, 1981; Ord. 2161 §4, 1980)